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Before the
FEDERAL COMMUNICATIONS COMMISSION

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message and have it delivered to the recipient by fax, by hand or by mail. The charge for the telegram is based on the number of words and method of delivery. In many cases, customers choose to bill the telegram to their local phone bill. This can be done because ATC has billing and collection agreements, either on its own behalf or through clearinghouses, with local exchange carriers.

ATC has two concerns with the proposed regulations, which ATC suggests are not intended to be applied to its service offerings. First, Section 64.1501(a)(1)(C) defines pay-per-call service as "any service, including the provision of a product, the charges for which are assessed on the basis of the completion of the call." (emphasis added.) The underlined phrase is ambiguous. As described above, the typical ATC customer reaches ATC through a nationwide 800 number, and the charges are based on the service purchased through that 800 number. It could be interpreted that this is a pay-per-call service because a charge cannot be assessed if the call is not completed.

Section 64.1501(2) does not help because the charge for the call may be construed as the charge for the telegraphic service, which will always be greater because there is no charge for the call itself. Furthermore, Section 64.1501(3) would be helpful if ATC were assured that it could continue to use an 800 service for access to its offerings. However, the problem is that Section 64.1504 requires common carriers to prohibit the use of 800 service if the calling party is charged by virtue of completing

the call, or the calling party is charged for information conveyed during the call, unless the calling party has a preexisting agreement to be charged for the information or discloses a credit or charge card number and authorizes a charge to that number.

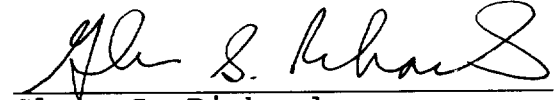
ATC recommends that Sections 64.1501(a)(1)(c) and 64.1504(a) be modified to state that the charges must be assessed based on the duration of the call. This more clearly defines the kinds of services that the TDDRA intends to regulate. Moreover, Section 64.1504(c) should be expanded to include charges made to a local phone bill so long as the customer authorizes such charge. With these changes, ATC believes that the services it offers may continue to be provided to the public in the most cost-effective, efficient manner.

Conclusion

Based on the foregoing, ATC respectfully requests that the Commission clarify that the proposed pay-per-call regulations do not apply to services that are purchased by calling an 800 number and billed on a local telephone bill so long as the charge is not based on the duration of the call and the customer authorizes billing to its local phone bill.

Respectfully submitted,

AMERICAN TELEGRAM CORPORATION

A handwritten signature in dark ink, appearing to read "Glenn S. Richards", is written over a horizontal line.

Glenn S. Richards
Fisher, Wayland, Cooper &
Leader
1255 23rd Street, N.W.
Suite 800
Washington, D.C. 20037